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10/596,896	06/28/2006	Gerardus Henricus Broeksteeg	NL040049	1953

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EXAMINER

HUERTA, ALEXANDER Q

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,896	Applicant(s) BROEKSTEEG, GERARDUS HENRICUS	
	Examiner ALEXANDER Q. HUERTA	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claims 4-5, 7, 12-13, 15**, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding **claims 1-16**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Objections

Claims 5-6, 13-14 objected to because of the following informalities: claims 5-6 disclose "said second time period" and also claims 5-6 depend from independent claim 1, which does not disclose a "second time period". Likewise, claims 13-14 disclose "said second time period" and also claims 13-14 depend from independent claim 10, which does not disclose a "second time period". Appropriate correction is required. For examination purposes claims 5-6 will be treated as both being dependent upon claim 2 and claims 13-14 will be treated as both being dependent upon claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 10-14, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (United States Patent Application Publication 2003/0204847), herein referenced as Ellis.

Regarding **claim 1**, Ellis discloses “a method for storing data on a storage device, said data representing video and/or audio signals and program information for at least one channel” ([0036], Fig. 1). The method comprising:

“storing and/or displaying current program information of a new channel after a channel change” ([0118], Fig. 5);

“hiding and/or removing said program information if a new change of channel occurs within a first time period” ([0121], i.e. 5 seconds is considered a first time period).

Regarding **claim 2**, Ellis discloses “hiding or removing said program information if a change of program in the current channel occurs within a second time period after said change of channel ([0121], i.e. the second time period is 60 seconds); and storing

and displaying the new program information after said change of program" ([0036, [0118], Figs. 1, 5].

Regarding **claim 4**, Ellis discloses that "said first time period is between 0.5 and 10 minutes" ([0118], [0121], i.e. the user can select the time period for the overlay to be displayed to be 1 minute).

Regarding **claim 5**, Ellis discloses that "said second time period is between 0.5 and 10 minutes" [0121], i.e. the user can select the time period overlay to be displayed for 1 minute).

Regarding **claim 6**, Ellis discloses that "the first time period is equally as long as the second time period" ([0121], i.e. the first and second time period can be selected to both be 1 minute).

Regarding **claim 10**, Ellis discloses "a display bar (graphic overlay 51) for displaying program information on a monitor" ([0118], Fig. 5);

"a means for displaying current program information on the monitor of a new channel after a channel change" ([0118], Fig. 5); and

"a means for removing said program information from being displayed on the monitor, if a new change of channel occurs within a first time period" ([0121], i.e. 5 seconds is considered a first time period).

Regarding **claim 11**, Ellis discloses "a means for removing said program information from being displayed on the monitor, if a change of program in the current channel occurs within a second time period after said change of channel ([0118], [0121],

i.e. the second time period is 60 seconds); and a means for displaying the new program information on the monitor after said change of program"([0036, [0118], Figs. 1, 5].

Regarding **claims 12-14**, claims 12-14 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 4-6, respectively. Claims 4-6 describe a method of storing data on a storage device and claims 12-14 disclose a device implementing the method. Thus, claims 12-14 are rejected.

Regarding **claim 17**, claim 17 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 1. Claim 1 discloses a method of storing data on a storage device and claim 17 discloses a product on a computer-readable medium having embodied thereon a computer program for performing the method. Thus, claim 17 is rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Kondo et al. (United States Patent 6,763,522), herein referenced as Kondo.

Regarding **claim 3**, Ellis fails to explicitly disclose "comparing the current program information with previously stored program information and refraining from

storing and displaying said current program information if the current program information is identical with any previously stored program information”.

Kondo discloses “comparing the current program information with previously stored program information and refraining from storing and displaying said current program information if the current program information is identical with any previously stored program information” [Col. 3 lines 3-26]. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of comparing previously stored programming information with current program information to make a determination if there are any changes and storing the information only if there are changes, as taught by Kondo, to improve the electronic program guide system of Ellis for the predictable result of enabling the display of only the most accurate, up-to-date program information.

Claims 7-9, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Balkus et al. (United States Patent Application Publication 2004/0268224), herein referenced as Balkus.

Regarding **claim 7**, Ellis fails to disclose “displaying an editing bar comprising representation of video and/or audio signals and program information; and changing a resolution of said editing bar from a standard resolution of to an increased resolution per pixel”.

Balkus discloses “displaying an editing bar (GUI 700) comprising representation of video and/or audio signals and program information ([0051], [0052], Fig. 7B); and changing a resolution of said editing bar from a standard resolution of to an increased

resolution per pixel" ([0052] i.e. increasing or decreasing time scale). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying an editing bar and changing resolution of the editing bar, as taught by Balkus, to improve the electronic program guide system of Ellis for the predictable result of allowing the user to edit and customize shows and programs according to their preference.

Regarding **claim 8**, Ellis fails to disclose "moving a cursor along said editing bar and accelerating said cursor".

Balkus discloses "moving a cursor (position indicator 736) along said editing bar and accelerating said cursor" ([0052], Fig. 7B). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of moving a cursor along the editing bar and accelerating said cursor, as taught by Balkus, to improve the electronic program guide system of Ellis for the predictable result of providing the convenience of allowing the user to see the current position in time.

Regarding **claim 9**, Ellis fails to disclose "inserting chapter markings at said editing bar at user defined positions".

Balkus discloses "inserting chapter markings (754) at said editing bar at user defined positions" ([0052], Fig. 7B). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of inserting chapter markings, as taught by Balkus, to improve the electronic program guide system of Ellis for the predictable result of enabling the user to specify specific points in the program that designate the beginning or end of particular segment of the program.

Regarding **claim 15**, Ellis fails to disclose "an editing bar comprising representations of video and/or audio signals and program information; and means for changing a resolution of said editing bar from a standard resolution to an increased resolution".

Balkus discloses "an editing bar (GUI 700) comprising representations of video and/or audio signals and program information ([0051], [0052], Fig. 7B); and means for changing a resolution of said editing bar from a standard resolution to an increased resolution" ([0052] i.e. increasing or decreasing time scale). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying an editing bar and changing resolution of the editing bar, as taught by Balkus, to improve the electronic program guide system of Ellis for the predictable result of allowing the user to edit and customize shows and programs according to their preference.

Regarding **claim 16**, claim 16 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 9. Claim 9 discloses a method of storing data on a storage device and claim 16 discloses a device implementing the method. Thus, claim 16 is rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER Q. HUERTA whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta
Examiner
Art Unit 2623

July 29, 2008

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623